

Serial No.: 10/738,938  
Attorney Docket No.: 801204-0003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : Raul G. Barletta and Zhengyu Feng  
Serial No. : 10/738,938  
Filing Date : December 17, 2003  
Title : RECOMBINANT MYCOBACTERIA  
OVEREXPRESSING D-ALANINE LIGASE GENE  
AND USES THEREFORE  
  
Group/Art Unit : 1652  
Examiner : Not Yet Assigned  
Confirmation No. : 8745  
  
Atty. Docket No. : 801204-0003

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.56 and § 1.97(b), the references listed on the attached Form PTO/SB/08A (Substitute for Form 1449A-B/PTO) are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Copies of the cited documents are enclosed. Submission of these references is not an admission that the references constitute prior art.

Applicants respectfully request that these references be made of record in the above-identified application and considered by the Examiner during prosecution of the application.

It is respectfully submitted that the present invention as claimed is patentable over the listed references.

**Certificate of Mailing Under 37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: July 14, 2004

Signature: Lara Gurley

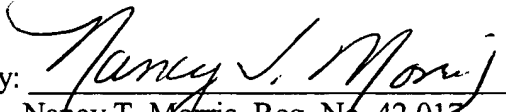
Printed Name: Lara Gurley

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

This information disclosure statement is being filed within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) or before the mailing of a first Office Action on the merits. Accordingly, no fee is due.

Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

By:   
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PTO/SB/08A (08-00)



Substitute for Form 1449B/PTO (Modified) <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number:	10/738,938
		Filing Date:	December 17, 2003
		First Named Inventor:	Raul G. Barletta
		Group Art Unit:	1652
		Examiner Name:	Not Yet Assigned
		Attorney Docket Number:	801204-0003

Sheet 2 of 4

**OTHER REFERENCES – NON PATENT LITERATURE DOCUMENTS AND INFORMATION**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		FENG, ZHENGYU, and Barletta, Raúl, "Roles of <i>Mycobacterium smegmatis</i> D-Alanine:D-Alanine Ligase and D-Alanine Racemase in the Mechanisms of Action of and Resistance to the Peptidoglycan Inhibitor D-Cycloserine", <i>Antimicrobial Agents and Chemotherapy</i> . 2003, Vol. 47, No. 1, p. 283-291.	
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Examiner Signature		Date Considered	
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